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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jerry A. Overton

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EXAMINER

LY, NGHI H

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,145	<b>Applicant(s)</b> OVERTON, JERRY A.	
	<b>Examiner</b> Nghii H. Ly	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-9, 11-13, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 2003/0100312A1) and further in view of Arai (US 2006/0085755A1).

Regarding claims 1 and 12, Takahashi teaches a method comprising: maintaining a set of data comprising a plurality of records (see [0023], [0032], [0052] and [0053]), wherein each record includes at least the following fields: (i) a data reference (see fig.3, column 204 and column 205), (ii) location information (see fig.3, column 201), and (iii) device capability information (see fig.3, column 202 and column 203), such that each data reference is correlated with both location information and device capability information (see fig.3), and wherein each data reference points to respective data (also see fig.3), receiving from a device a request for context-based data (see Abstract, [0016], [0021], [0022], [0023] and [0024]), determining a current location of the device and determining one or more capabilities of the device (see fig.3, column 201, column 202 and column 203), querying the set of data to uncover at least one data-reference that the set of data correlates with both (i) the current location of the

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device and (ii) the one or more capabilities of the device, acquiring data to which the at least one data-reference points (see [0023], [0032], [0052] and [0053]), and sending the acquired data to the device in response to the request (see Abstract, [0016], [0021], [0022], [0023], [0024], and see [0023], [0032], [0052] and [0053]), and the device comprises a mobile station (see fig.1, items 10-1 and 10-2).

Takahashi does not specifically disclose (i) a data reference comprising a uniform resource identifier ("URI"), (ii) location information, and (iii) device capability information, querying the set of data to uncover at least one data-reference (comprising a URI) that the set of data correlates with both (i) the current location of the device and (ii) the one or more capabilities of the device.

Arai teaches (i) a data reference comprising a uniform resource identifier ("URI") (see fig.2, column 254), (ii) location information (see fig.2, column 256), and (iii) device capability information (see fig.2, column 252, also see Abstract), querying the set of data to uncover at least one data-reference (comprising a URI) (see fig.2, column 254) that the set of data correlates with both (i) the current location of the device (see fig.2, column 256) and (ii) the one or more capabilities of the device (see fig.2, column 252, also see Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Arai into the system of Takahashi in order to provide a contents transmitting unit for collecting contents according to a request from a client from a database in which contents information have

been stored on the basis of the request and sending them to the client (see Arai, Abstract).

Regarding claim 2, Takahashi further teaches a wireless carrier performing the method (see fig.1, wireless connection between devices).

Regarding claim 3, Takahashi further teaches receiving the request comprises receiving the request via a radio frequency air interface (see fig.1, wireless connection between devices), and wherein sending the acquired data comprises sending the acquired data via the radio frequency air interface (see fig.1, wireless connection between devices).

Regarding claims 6 and 16, Takahashi further teaches determining the current location of the device comprises querying a location-determination system (see [0016], [0021], [0022], [0023], [0024], [0032], [0052] and [0053]).

Regarding claim 7, Takahashi further teaches determining the current location of the device comprises reading an indication of the current location from the request (see [0023], [0024], [0032], [0052] and [0053]).

Regarding claims 8 and 17, Takahashi querying a device capabilities store to determine the one or more capabilities of the device (see fig.3, column 202 and column 203, and see [0023]).

Regarding claim 9, Takahashi determining the one or more capabilities of the device comprises determining a make and model of the device, wherein the make and model inherently defines certain device capabilities (see fig.3, column 202 and column 203, and see [0023]).

Regarding claim 11, Takahashi generating the set of data by a process comprising computing at least one Cartesian product of (i) a measure of geographic location and (ii) one of the data references (see [0016], [0021], [0022], [0023], [0024], [0032], [0052] and [0053]).

Regarding claim 13, Takahashi further teaches a radio access network through which the request passes from the device to the network server (see fig.1, wireless connection between devices), and through which the acquired data passes from the network server to the device (see fig.1, wireless connection between devices).

Regarding claim 19, Takahashi teaches claims 1 and 12. Takahashi does not specifically disclose the network server comprises a portal server. However, the Examiner takes Office notice that such feature as recited in the claim is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Takahashi for providing a method as claimed, for transmitting a portal page.

Regarding claim 20, Takahashi further teaches the network server is operated by a carrier that provides the device with an access channel (see fig.1, wireless channel between devices).

3. Claims 5, 10, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 2003/0100312A1) and further in view of Arai (US 2006/0085755A1) and Rossmann (US 6,625,447).

Regarding claims 5 and 15, the combination of Takahashi and Arai teaches claims 1 and 12. The combination of Takahashi and Arai does not specifically disclose the request comprises an HTTP request.

Rossmann teaches the request comprises an HTTP request (see column 37, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rossmann into the system of Takahashi and Arai in order to provide two-way data communication device utilizes a client module to transmit message including a resource selector chosen by the user to a server on a server computer on the computer network (see Rossmann, Abstract).

Regarding claims 10 and 18, the combination of Takahashi and Arai teaches claims 1 and 12. The combination of Takahashi and Arai does not specifically disclose the data-references comprise uniform resource identifiers ("URIs"), and wherein acquiring data to which the at least one data-reference points comprises sending at least one HTTP request directed to at least one URI of the at least one data-reference.

Rossmann teaches the data-references comprise uniform resource identifiers ("URIs") (see column 37, lines 13-15), and wherein acquiring data to which the at least one data-reference points comprises sending at least one HTTP request directed to at least one URI of the at least one data-reference (see column 37, lines 13-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rossmann into the system of Takahashi and Arai in order to provide two-way data communication device utilizes a

client module to transmit message including a resource selector chosen by the user to a server on a server computer on the computer network (see Rossmann, Abstract).

### ***Response to Arguments***

4 Applicant's arguments filed 12/08/2008 have been fully considered but they are not persuasive.

Takahashi does indeed teach the device comprises a mobile station (see fig.1, items 10-1 and 10-2), and the combination of Takahashi, Arai and Rossmann does indeed teach applicant's claimed invention. In addition, applicant's attention is directed to the teaching of Takahashi, Arai and Rossmann above.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/  
Primary Examiner, Art Unit 2617